



1999 ANNUAL REPORT

JANUARY 1 – DECEMBER 31, 1999

**BOLIVIA ADMINISTRATION OF JUSTICE PROJECT
Project No. 511-0626**

USAID CONTRACT NO. 511-C-00-98-00027-00



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To: Alvaro Gálvez, USAID/Bolivia, IRI Team Leader

Subject: January 1-December 31 1999 Annual Report, Democratic Advancement in Bolivia (DAB) Project (Contract No.511-C-00-98-00027-00)

Management Sciences for Development, Inc. (MSD) is pleased to submit its annual report for the 1999 calendar year under subject contract. The focus of USAID/Bolivia's Rule of Law (ROL) strategy is the new Code of Criminal Procedure (CCP).

MSD's duties and responsibilities

MSD began conducting activities under the Democratic Advancement in Bolivia Project (Contract No. 511-C-00-98-00027-00) on February 1, 1998. This project is conducted jointly with the German Cooperation, GTZ. In managing for the results sought under the Performance Work Statement (PWS) which is included as part of the contract, MSD's work is being conducted through a two-phased process.

Phase I includes the period of time required for the Criminal Procedure Code to be passed by Congress and signed into law. It was completed in the second quarter of 1999, with the publication of Law 1970 enacting the CCP in the Official Gazette on May 31, 1999.

Phase II is the time period between the publication of the Code and its effective date two years later, on May 31, 2001, known as the *vacatio legis*. This legal vacation period is established by the law enacting the CCP in order to provide preparation and planning time before the implementation of it.

The contract originally contemplated that Phase I would end on June 31, 1998, which was the original target date for passage of the CCP. However, issues of concern to the USG arose which required extensive additional effort and time to resolve before final passage of the CCP. Since the CCP was enacted eleven months later than originally planned, USAID/MSD and GTZ decided to work during Phase I with a technical team who would continue the Phase I effort toward the enactment of the CCP, but at the same time, also produce information documents in anticipation of the Phase II effort.

Results and Indicators.

In terms of results, the essential Phase I result to be accomplished was the passage of the CCP. The period for results sought for Phase Two began on May 31, with indicators to be measured in after that date. Because of the additional eleven months required for the passage of CCP, indicators required to determine results will take place in the year 2000.

This report will inform about activities according to the USAID results package undertaken during Phase I, through May 31, and Phase II activities after that date, with details included in the following attachments: Attachment I is a Microsoft Project report indicating all activities of the contract through December 31, 1999; Attachment II is a Level of Effort Report throughout that period; Attachment III is an Expenditures Report. Attachment IV is Procurement report; Attachment V a Local Currency report, and Attachment VI, a roster for the program for the 1999 calendar year.

PHASE I ACTIVITIES

Intermediate Result 1.1 Key Legal reforms which guarantee rule of law are enacted and implemented.

Lower Level Result A. Providing a mechanism for analysis of the technical options proposed in the C.P. in which the participation of the future implementers of the C.P., the MOJ and the Congressional decision-makers is provided, through the Congressional hearing process.

Related Task A.1. Providing technical Assistance to the Congress to review the draft of the CCP, and inform and involve the MOJ in the review process.

At the beginning of 1999, the CCP was in the Senate's Commission on Constitutions for debate. Technical Team members to Congress and three short term specialized consultants as well as MSD staff provided the following technical assistance:

1. Assisted staff of the Senate and Chamber of Deputies Commissions on Constitutions in preparing (prepared) all drafts of bill drafts, code articles, reports, resolutions and official acts to be submitted to or by the Presidents of those Commissions, the Presidents of the Congress, the President of Bolivia, and the Editor of the Official Gazette related to the passage and publication of the CCP.
2. Provided technical assistance to Congress and the Minister of Justice at twenty two days of hearings of the Senate's Commission on Constitutions, Justice and Judicial Police or full Senate hearings, which included clerical, technological and legal library and advisory support. Added to the number of hearings since the beginning of the project in 1998, the team provided a total of 110 days of technical assistance at congressional hearings.

3. Prepared drafts of press releases, dissemination materials, information and legal briefs explaining and decisions taken by members of congress, the press, through USIS for USAID and the Embassy, for the purpose of promoting the approval of organized crime investigative tools such as undercover agents and controlled deliveries in the final versions of the CCP.

The bill passed the Senate on March 11. The team provided technical assistance to the Conference Committee and then to the Chamber of Deputies for debate on the CCP, which passed on March 18. It was signed into Law by the President on March 25, and was published on May 31 in the Official Gazette.

Related Task A.2. Obtaining technical input from the future implementors and the Universities in order to build consensus around the final draft of the CCP.

With the Press: A number of controversial issues arose during this period about the code, discussed in the next paragraph. MSD, co-ordinating with USIS and the Commission's press contacts, assisted the Congressional staff and the Ministry of Government (MOG) and the Ministry of Justice (MOJ) in providing information to the press to support the USG position about the code.

With operators: The PTJ, MOG, DEA and NAS raised a number of issues about the Code, essentially things that they would like to have put in the Senate version that were not included in the Chamber of Deputies version. These included the legalization of undercover agents, controlled deliveries of contraband, and specific creation of the Special Narcotics Investigative Force (FELCN), specialized drug courts, and the legalization of wiretapping.

Some of these figures, especially the undercover agents and controlled deliveries and wiretaps, were highly controversial issues. Opposition was generated in the press, by some congressmen, the Ombudsman and then Minister of Justice, Ana María Cortez. A heated dialogue, both in hearings and out of them, took place about these issues.

The technical team participated in an additional fifteen workshop days with, at varying times, the MOG, PTJ, DEA, MOJ, and the Ombudsman, as well as members of both the Senate and House Commissions on Constitution. The effort was to see if a consensus could be reached about these issues.

About almost all of them, a consensus was reached. All agreed that wiretapping was not constitutionally permissible under the present constitution. All but the ombudsman agreed that undercover agents and controlled drops were constitutionally permissible. The political decision reached by the USG was that these figures should be included in the Code, regardless of opposition to it. Language was drafted to include these figures in the bill draft. All other MOG and DEA issues were also

resolved, and were included in the draft of the senate's bill for consideration by the senate, and in the final version passed by the Chamber of Deputies.

Related Task A.3 Provide technical assistance to identify which laws, codes, decrees and regulations will be required to be changed during Phase Two, in order to conform to the requirements of the new CCP structure and system.

The preliminary plan identified under C.1 below, provides a description of, and a timetable for passage of each of the laws and regulations that now much be changed to conform to the new criminal procedure. Due to the additional time and political discussions undertaken in 1999, this plan was continually updated, and finally incorporated in the Implementation plan submitted to the CNI at the beginning of Phase II.

Related Task A.4. Budget a fund to finance studies which will inform the revision process of thh CCP. This includes but is not limited to funding studies on the functioning and the feasibility of a Justices of the Peace system as currently called for by the draft CCP, as well as studies on traditional justice also contemplated by the CCP.

The Justice of the Peace concept was not included in the CCP. Traditional Native Community Justice requirements were included. These were based upon 1998 studies, and no further studies were acquired in 1999.

Related Task A.5 Produce a cost-benefit analysis of the draft CCP to determine what the costs of the current criminal justice system are and what they would be if the CCP were to be implemented.

A cost benefit study was completed in early 1999, and was included as part of the Implementation plan discussed in C.1.1. below for Phase II.

Intermediate Result 1.2. Institutional capacity of key justice sector entities is strengthened.

Lower-level result B. Key decision makers which include multi-party Congressional Representatives and the Justice Committees of both houses have been provided with the information and analysis resulting from Result A needed to approve the CCP in its final form. The MOJ has been provided with the information and analysis needed to design the implementation plan of the CCP.

Related Task B.1. Organize workshops addressed to the Congress, the MOJ and possibly the future implementors to disseminate the results of any study mentioned under Result A.

The Congressional Technical Team and MSD staff met with congressional leaders to give a presentation about the cost-benefit study during the consideration of the CCP. MSD staff provided a similar presentation for MOJ and GTZ.

Lower-Level Result C. All areas of needs to be identified for study, and all organizations involved in the CCP, all laws and related documents required to be changed are identified in order to prepare multi-sector implementation plans at the beginning of Phase Two, for use during Phase Two and Three. Ownership of the plans has been insured through the leadership and participation of GOB authorities such as the MOJ, and intra-sectorial discussion has taken place through a multi-sectorial planning process.

Related Task C.1. Identifying all areas of needs for study and implementation planning. The establishment of the multi-sectorial planning process, whose result would be the establishment of implementation plans as the first related task of Phase Two.

A preliminary plan, designated as the "General principles for the Implementation of the CCP was published in August of 1998 through the Ministry of Justice. This document was the result of inter-institutional workshops in which the USAID/MSD-GTZ-MOJ technical team members and MSD staff participated, organized conclusions, and drafted and published the preliminary plan. . The methodology for preparation of the "Pre-Implementation Plan" to be submitted to the National Commission for Implementation (CNI) created by the Code and to be organized once the Code passes, was included in that document, and was followed in 1999 until Phase II began.

Pursuant to that methodology, The team gathered information by case-studies, interviews and surveys in every level of court, the PM, PTJ, and PD about the five areas of implementation provided in the preliminary plan, which were: drafting related legislation; institutional strengthening; training of operators; dissemination of information to civil society; and processing of cases under the present code. All this information will serve as background information for the Implementation Plan which was prepared to be as one of the first steps of Phase II.

Intermediate Result 1.3 Access to and understanding of the justice system is increased.

Lower-Level result D. Civil society groups have obtained a basic understanding of the contents of the CCP reform and how the target populations with whom they work with will benefit from the CCP reform process, enabling them to become promoters of the approval and implementation of the CCP. Approximately fifteen civil society organizations have been identified as potential promoters of the legislation in the La Paz area. Approximately ten groups in areas outside of La Paz should be identified. It is expected that at least 25% of these institutions will become promoters of the CCP reform process. Two ONG's will be identified to collaborate with MSD and USAID\Bolivia, to identify other ONG's outside of

La Paz, and to participate in the process of awarding funds established in task D.2.

Related Task D.1. Provide practical training to approximately 25 civil society organizations currently interested in becoming familiar with the draft CCP contents and becoming promoters of the approval and implementation of the CCP.

In 1998, MSD hired a local consultant, ALDHU, to prepare a "Civil Society Dissemination Plan". with MSD, GTZ, USAID and MOJ staff for four workshops to present information about, receive comments about, and continue with the process of preparing their report outlining the process of dissemination of information about the Code to the Civil Society. This report was submitted in March, 1999, to be included as part of the Implementation Plan discussed under C.1.1 below.

Related task D.2 Creation of a fund in preparation for dissemination and diffusion of information about the CCP in the Civil Society during Phase II.

The ALDHU report provided the mechanism for selection of NGO's and production companies for the dissemination to take place in Phase II.

PHASE II ACTIVITIES

IRI.1 Key legal reforms which Guarantee the Rule of Law are approved and implemented. (Dealing with enactment only. Implementation is contiguous with IRI.2, and is discussed below)

a) Law projects in Congress

At the close of the year the following projects were in Congress for consideration:

1. Public Ministry enabling law (Ley Orgánica del Ministerio Público). This law defines the Public Ministry's administrative structure, prosecutor selection, career ladders, disciplinary proceedings, acceptable salary policy, the relationship with police and the structure of the Office of Forensic Investigation.

During 1998, a document called the "General Principles of the Public Ministry Law" was developed in inter-institutional workshops. At the beginning of 1999, the document was distributed to the representatives of all justice system institutions and the Congressional committees who would be responsible for considering the law. A work group consisting of technical team members, specialized consultants and representatives of the Public Ministry continued work on the document until the end of the year. Workshops discussed in b) 1 below took place in October. In December, MSD received a request from the Commission on Constitutions of the Chamber of Deputies to provide technical assistance for hearings on the law beginning when the

session opens on January 15 of 2001 and, pursuant to that request, the first drafts of the law were submitted to that Committee in December.

2. Law of Penitentiaries and Sentences (Ley de Ejecución de Penas). This law defines the relationship between the Sentence Supervision Judges created by the Code (Jueces de Vigilancia) and penitentiary authorities. It also establishes the offices of Probation and Parole supervision for persons released under conditions by either a suspended proceeding or sentence (Libertad Condicional por Suspensión de Proceso o Procedimiento Abreviado), or parole (extramuro). The USAID/MSD-GTZ Technical Team provided technical assistance to a work group of the Commission on Constitutions of the Chamber of Deputies of the Bolivian Congress, to complete the draft of the Commission's report and the amendments. Most of the articles have been approved by the Commission, and the remainder will be considered by the Commission in the year 2000;

b) Law projects in inter-institutional work groups

The following laws are presently in inter-institutional work groups:

- 1. The Police Enabling Law.** (Ley Orgánica de la Policía Nacional). A discussion draft of the Police Enabling Law was completed by a USAID/MSD-GTZ-ICITAP work group working with National Police and Public Ministry representatives, and submitted to two workshops of two-days' duration each in October. The first was to discuss the relationship between the prosecutor (*fiscal*) and police during the investigation phase of a case, and the second, the structure of the police agencies themselves. Two ICITAP consultants, Kim Lindquist, a U.S. federal prosecutor and retired F.B.I. agent Roger Toronto provided technical assistance for these events. The result was to identify areas of controversy requiring further resolution, and consensus which could be used in the enabling law projects of both the Police and the Public Ministry. During these workshops, as well as throughout the reporting period, members of the technical team participated with ICITAP and designated police representatives as a working group to prepare a draft of the project to be presented by the Ministry of Government to the Congress in August of 2000;
- 2. The Judicial Branch Enabling Law** (Ley Orgánica del Poder Judicial) This project has been on-going with World Bank funding in the Ministry of Justice for five years. The WB working committee has met several times to reach a consensus about areas where there was still disagreement on the law, none of which have anything to do with the CCP. A draft (version 14) has been submitted to the work group at the end of the year for approval before submission to Congress.

The Technical Team's involvement has been to identify the changes in the Law required by the CCP, all of which have been incorporated in the drafts to date.

3. The Impeachment Law for High Government Officials (la Ley de

Responsibilidades) The Constitution provides different mechanisms for trials of certain high government officials depending on which official is being accused. The President, Vice-President, cabinet ministers, prefects, the Comptroller General, departmental superior court magistrates, Ombudsman, judges of the National Electoral Court, and Superintendents are tried in a single instance trial over which the Supreme Court presides after authorization by Congress. Supreme Court and Constitutional Tribunal justices, Judicial Council members, and the Attorney General are tried by Congress in a proceeding in which the lower house's Commission on Constitutions investigates an accusation and prosecutes the case in the Senate.

A draft of the bill was prepared by members of the technical team and contract consultants at the request of the Commission on Constitutions of the Chamber of Deputies. The President of the Commission has provided the draft to representatives of the political parties for their comment before presentation to Congress in 2000.

4. The Money-laundering law.

In 1997, the crime of money laundering was established, and a special investigation unit created in the Superintendency of Banks. This unit has never gotten off the ground. MSD participated in three work group sessions along with USAID, DEA, MOG, Bank Superintendency and Office of the Presidency representatives, to define ways in which this law could be more effectively implemented, or, if necessary, changed. A draft to be presented to Congress has not yet been approved by the work group at the close of the year.

c) New Additions

At the request of the Electoral Court and the Economic Ministry, two additional laws were added in November and December to the list of law for which technical assistance was provided. These were the **Law of Elections** (Ley de Elecciones) added to look at possible changes to facilitate jury selection, and the **Customs Law** (Ley de Aduanas) added to adjust criminal procedure for customs violations to conform with the CCP. ETI staff met with work groups from these institutions to make a timeline for work on drafts to present to the Congress.

IR 1.1 Implementation and IR.1.2. Institutional capacity of key justice sector entities is strengthened

Lower-Level Result A.1.1 Technical, institutional and political obstacles towards full implementation have been identified and solutions have been provided for them.

Related Task A.1.1 Produce case load projections as a result of the implementation of the CCP and the analysis of its implications in terms of the

increases in the number of operators within each future implementor institution and the resulting operating costs.

These projections are included among several items to be addressed in diagnostic studies to be provided by a local consultant . A public bidding process to hire the consultant was undertaken, which will end early in the year 2000. The contract terms of reference require the study to be completed by June 30, 2000.

Related Task A.1.2 Produce a study to determine what the infrastructure needs will be for oral trial courtrooms nationwide.

Three models and architectural designs for large, medium and small courtrooms were selected by the technical team after workshops and architectural design presentations. These will be submitted to the Judicial Council in early 2000. Based upon the acceptance of those models, the Council will conduct design a timeline for construction over the next few years, based upon available resources.

Related Task A.1.3 Produce studies which identify institutional deficiencies and obstacles of the future implementor institutions.

The diagnostic consultancy referred to in A.1.1. above will provide this information in the next reporting period.

Related Task A.1.4 Assist the MOJ in order that the Implementation Planning Commission and the Training and Execution Unit are created, staffed and operational

A document providing for the general principles for implementation of the CCP had been published in July of 1998. During the preparation of that document and until the arrival of Phase II, an *ad hoc* core staff for the implementation of the CCP comprising twelve persons (eight hired by MSD, four by GTZ) worked on the Implementation Plan (discussed in C.1.1. below), to be presented for approval to the National Implementation Commission (CNI), established by the law enacting the CCP when it was approved.

The CNI is comprised of: the Attorney General; the Presidents of the Commissions on Constitutions of both houses of Congress; the Supreme Court Chief Justice; the Minister of Justice; and its President, the Vice-President of Bolivia. The law also called for a technical team (ETI) to be provided to work with the Commission's Executive Committee (ECI), which committee consists of designees of the two Congressional Commissions, the JC, MP, the PN, MOG, National Bar Association, Public Universities, and its president, the Minister of Justice.

The CNI and ECI were organized between the beginning of PHASE II on May 31 and July 15, the first meeting date. During the period June-August 15, for reasons totally unrelated to the CCP, three Ministers of Justice assumed the Presidency of the ECI. Dra. Ana María Cortez resigned the Ministry in June, next appointee Dr. Carlos Subirana in July, and Dr. Juan Chahín Lupo assumed the post in mid-August. In spite of the obvious turmoil caused by these events, these three important steps took place:

1. The CNI and ECI met in July and approved the Implementation plan, (C.1.1 below), and met two other times during the year to approve the implementation efforts undertaken as well as the selection of the ETI members.
2. The ETI was expanded to fifteen (10 MSD and 5 GTZ) members, hired through a competitive bid process. All were hired by October, 1999, and were all working in their respective areas by the end of that month.
3. It is important to emphasize the tremendous amount of coordination required, not only between the team and the operators of the justice system, but also between donors and agencies, such as USAID, the German cooperation agency GTZ, the Spanish cooperation agency known as AECI, as well as the U.S. Department of Justice's ICITAP (which provides police technical assistance), and the U.S. Information Service (USIS), DEA, NAS and other Embassy officials. One of the important general accomplishments of this reporting period was to establish the ETI's credibility as a coordinating team directed toward the implementation of the CCP.

Related Task A.1.5 Provide technical assistance to the MOJ in drafting a Decree which will provide the regulations for implementation of the CCP

The regulations for the CCP Implementation were prepared by the technical team and approved by the CNI. Work on rule drafts to be approved by the Supreme Court and the Attorney General continued during this period. A two-day seminar was conducted to identify the prosecutor-police relationship for inclusion in the regulations of both institution.

Related Task A.1.6 Design a structure for liquidating the cases brought under the old code.

A plan for dealing with cases filed under the present system was finalized and presented as part of the Implementation Plan discussed in C.1.1. below. A draft circular for instructions for decongestion of caseload was presented to the Judicial Council, the Supreme Court, the Public Ministry and the Public Defender's Office. Six workshops were conducted with the Ministry of Government, the Bolivian special narcotics forces (FELCN), controlled substances prosecutors and judges, as well as the Supreme Court and members of the Judicial Council, to agree upon the mechanisms required for decongestion and liquidation of cases. Courses for training on these issues

were designed, to be presented in training to be conducted between the present time and June, 2000, when portions of the Code designed to begin the decongestion process become effective. MSD and USAID staff also met periodically with DEA officials to ensure co-ordination of this plan in narcotics cases, and worked closely on training issues.

Lower Level Result B.1. The Ministry of Justice and the future implementors have been provided with the information, analysis, and assistance needed to be prepared for full implementation of the CCP

The Preliminary implementation plan under C.1.1 provides updated information and analysis as required. Numerous areas of assistance, using either project, GTZ or local currency funds took place during the year, as shown in attachments 1 and VI. Some of the highlight areas are:

1. **Public Ministry.** Rules and regulations for selection of prosecutors, a career ladder, internal administration and for budget preparation and presentation were drafted by local consultants presented to the Attorney General in several workshops conducted in Sucre. These regulations were incorporated in the budget submitted for FY 2000, and a new selection process for prosecutors and administrative staff. Public advertisements for the vacant prosecutorial positions based upon these rules began in November. Equipment, including computers and printers were acquired for that office for training and operational purposes. Regulations for the creation of the Prosecutor's training school were provided by a joint cooperative project with the Spanish Cooperation, AECI.
2. **Judicial Council.** The Judicial Council began operating fully as of October, 1998. A library consultant was hired for the Judicial Council in 1999 to develop library policy and provide a study for a basic court library, a consultant was hired to prepare internal rules and regulations for the Council's administration and, together with the AECI, provide for the operation of the new Judicial Training Institute (Instituto de la Judicatura), which began operation in December, 1999.
3. **Public Defender's Office.** Rural and urban public defender personnel were hired as a continuation and a supplement to a project with the Swiss Cooperation, COSUDE, and to replace some who had left the Public Defender's office. Equipment, material and training were provided to that office.
4. **Constitutional Tribunal** The newly created Constitutional Tribunal, who began working in June of 1999, received computer equipment, international training and a law library.

B.1.1 Organize workshops addressed to the Congress, the MOJ and to the future implementors to disseminate the results of any study mentioned under Result A.1.

This result relates to the preparation, presentation and subsequent approval of the Implementation plan discussed under C.1.1. below. Numerous workshops and

meetings took place before that plan was approved by the CNI in July. Subsequently, the MSD-GTZ technical team and MSD staff conducted workshops in Sucre with all relevant institutional operators and representatives of DEA, FELCN, USAID, GTZ, AECI to discuss a plan to deal with docket decongestion and priority matters. A plan was developed for presentation to all operators in early 2000.

Lower Level Result C.1. Multi-sectoral and departmental implementation plans covering Phase Two and three are drafted in a participative process with government agencies and systems operators.

The implementation plan approved by the CNI is multi-sectoral. The Departmental Assistance teams, made up of representatives of the agencies involved in the criminal justice system were organized according to the plan. They will all prepare plans in the next year through workshops conducted with technical team members.

Related Task C.1.1 Integrate all of the results of the studies provided in results A and A.1 and incorporate them in the multisectoral implementation plans. All activities required in Phase Two and subsequent Phase Three, including financing and its sources, and including national budget, lending institutions or donors, must be identified.

The plan was written from July 1998 until July, 1999, in anticipation of the passage of the CCP and pending the organization of the CNI. It was approved by the CNI in July. Along with its six annexed volumes, it provides studies and makes recommendations for the implementation of the Code during Phase II in the following areas: 1. changes required in other laws and *normas* for the Code to operate effectively; 2. institutional strengthening; 3. training; 4. dissemination to Civil Society; 5. resolving cases filed under the present system to provide for the maximum decongestion of the system possible; and 6. preparation and training for Code articles which took immediate effect, or will take effect in one year, rather than after two years. In this latter area, there were important reclassifications of cases as public or private criminal cases. For example, intellectual rights cases became public, and bad check cases became private. A new category, known as "public cases at the alleged victim's request", primarily in certain sex crimes and embezzlement cases, was also created. These took effect immediately, and required immediate training throughout the entire system. Beginning in June of 2000 requirements for review of conditions for the release of prisoners mandated under the Bolivian Constitution will take place, which will require careful planning and preparation to insure both compliance with the Constitution and public safety.

Lower level Result E.1. The implementors of the CCP, including Public Ministry, Judicial Branch, Public Defense, and Bar Associations are ready to operate within the new system established by the CCP.

Related Task E.1.1. Produce a training needs assessment by institution. The institutions should include but not be limited to the Judicial Branch, the Public Ministry, and the Public Defense, among others.

A preliminary training diagnostic is included in the preliminary plan (C.1.1 above). An international consultant, Dr. Silvana Stanga, was contracted to update and follow up on the diagnostic and provide training for selected trainers in the year 2000.

Related Task E.1.2. Provide technical assistance to design training programs which will allow the future implementors to operate within the new CCP system and ensure ownership of the training programs.

The basic training document to be used by all institutions, "The Basic Training Manual" was written and continually updated with new training materials until the end of the year. Basic trial simulation courses were developed and presented in training events set forth under training below.

Related Task E.1.3 Provide training to the future implementors to operate within an oral prosecutorial system.

This year was substantially dedicated to preparing training modules, determining by exercises and simulations how the CCP was going to work when it is implemented in May of 2001, and selection of trainers for the training up-coming in the year 2000. Much of the detail of training required for operational manuals was developed during this year.

In all, forty-three (43) training events were provided during this reporting period to a variety of different system operators, including judges, prosecutors, police, bar association members and university students. . Twelve of these were provided for specialized narcotics training for members of the FELCN, and special narcotics police, judges and administrators.

Additionally, MSD and technical team staff provided assistance to the Mission in the selection and preparation of Bolivian judges, prosecutors, public defenders and university professors traveling to Puerto Rico for training in September and November on oral trial processes under the USAID Peace Scholarship program. These, along with other colleagues sent in 1997 and 1998, will comprise core teams for the training of all operators beginning in 2000 from a total group of approximately 120 recipients of those scholarships and persons designated by bar associations and universities. Dr. Silvana Stanga will provide a comprehensive three week training in Bolivia of these groups in February of 2000.

Related Task E.1.4. Provide technical assistance to design oral prosecutorial system training modules to incorporate in the curricula of university pilot programs.

A simulation event using course materials for oral courses was developed and presented in conjunction with the faculty and students of Catholic University, a local institution. Five hundred students attended the event. It will be used for designing oral trial practice law school courses in the future.

Related Task E.1.5 Creation of a training fund in the amount of US\$100,000, to be used to promote other organizations' training initiatives, such as those undertaken by Bar Associations and Universities.

The requirement to establish a grant fund was deleted by the Mission. This activity will be conducted by the technical team in cooperation with the institutions, and, where required, sub-contracts. Most of the training events are designed to take place in the year 2000. Those events taking place this year are mentioned in E.1.3 and E.1.4 above.

IRI.3. Civil society groups and their target groups have obtained in-depth understanding of the CCP mechanisms they can use to: a) access the criminal justice system; b) solve their own conflicts and have the criminal justice system officially recognize conflicts resolved through these means;

D.1.1. Establish a fund in the approximate amount of US\$100,000 to support efforts lead by civil society organizations to promote the use of the CCP mechanisms in favor of their target beneficiaries.

This activity will be conducted on the basis of subcontracts. Most of them are to take place in the first six months of the year 2000 approximating the early applications of the CCP which will begin on May 31 of that year.

In order to begin disseminating information early, though, a few events did take place this year. These include:

1. A television station, “Bolivision”, was hired by agreement of USAID, USIS and MSD, to develop and present a series of twelve programs about the CC, incorporating simulated crime events and commentaries of technical team members about the impact of the new CCP in resolving them. These programs were aired nationwide, with a total of fifteen times during the three month period May-August.
2. Six radio programs directed towards women's issues under the new Code were presented by “NETWORK ADA”, and CCP issues were addressed and included in the large-scale dissemination (*difusion masiva*) of materials by that network, directed to women's and children's rights groups.

A local NGO, ALDHU was contracted in 1998 to develop a profile of NGO's in Bolivia who could be used for dissemination of information. This study was completed in February, 1999, identifying twenty-five potential NGO's who could possibly form part of a dissemination network. Based upon that study, terms of reference for contracts for the large-scale dissemination campaign involving the CCP

were developed and offered as part of a competitive bidding campaign directed towards private advertisement companies. Fourteen NGO's responded to the requests for proposals for NGO dissemination, and the negotiating process with them continued until the end of this period. Contracts will be signed for dissemination with both the private and NGO providers early in the year 2000.

D.1.2. Organize workshops to civil-society organization trainers.

The ALDHU study mentioned above included plans for training persons about the CCP information to be disseminated among the target groups. Most of that effort will be provided in the year 2000. In order to inform the twenty five NGO's identified in the ALDHU study about the CCP issues, and invite them to present proposals for selection, three workshops were conducted for NGO's working in the three identified geographical divisions of the country: one in La Paz for the three High Plains (Altiplano) departments, one in Cochabamba for the three Valley (Valle) departments, and one in Santa Cruz for the three Amazon drainage lowland (Llano) departments of the country. Based upon those workshops, sixteen NGO's indicated interest.

OTHER ACTIVITIES

In addition to the above, MSD and USAID staff also provided technical assistance at the request of Bolivian counterparts in the following projects:

Santa Cruz Case-Tracking System.

This electronic tracking and management system was developed in Santa Cruz by MSD in the Superior Courts, OPDAT until April, 1997 and MSD thereafter, in the District Attorney's office and ICITAP at Technical Police (PTJ) headquarters. This year, the system was essentially completed at the court and police level, and was technically validated for use at the District Attorney's office, although it was only 50% functional at that office. However, means to insure the completion, integration and amplification of these systems needed to be identified. USAID, ICITAP and MSD staff, and USAID/MSD-GTZ technical team members provided three workshops in Santa Cruz for members and staff of the Supreme Court, Judicial Council, Superior Court, Constitutional Tribunal, the Attorney General's Office, the District Attorney and National Police, devoted to the planning of the second phase of this project to begin in January of 2000, with local currency funds generated by PL 480 project residuals. The resulting plan was included as part of USAID's request to the Government of Bolivia soliciting MSD's management of those funds. This plan was approved by the PL-480 administrators at the end of the year, with draw-downs to occur in the year 2000.

Tarija Court Administration System

This Court Administration system provides for a manual case distribution process, and a centralized process-serving office which has notably and visibly reduced corruption

and manipulation in the Tarija Superior Court. The project was completed in 1998, and the United States Ambassador, Donna Hrinak, formally presented the project to the Tarija Superior Court and the Judicial Council in April. A study to determine how to expand this project to other districts will be contracted with local currency monies in 2000.

Cochabamba Alternative Dispute Resolution Annexed to the Court. Pilot.

This pilot Alternative Dispute Resolution Center was completed in 1998. It provides ADR capability in the resolution of disputes which will be needed when the CCP takes effect. In August, USAID Deputy Director Wayne Nilsestuen formally presented the project to the Cochabamba Superior Court and the Judicial Council. The study referred to above for the Tarija project will also include how to expand this project to other districts.

Local Currency projects

At the request of the Mission, MSD in 1998 prepared a plan for projects to be funded with \$1,450,000.00 of Local Currency Balance of Payment Funds administered by the Bolivian Government. These funds were approved with draw-downs beginning in January of 1999. The projects include initiatives with the Public Ministry, Judicial Council, Constitutional Tribunal and the Public Defender's Office for training, development of rules and regulations and acquisition of equipment of materials

PL-480 reserve fund projects.

Also at the request of the Mission, MSD prepared a plan for projects to be funded with PL-480 funds, in the following areas:

1. Establishment of a human rights investigation office in the Ministry of Justice and the Public Ministry, for the investigation of claims of human rights violations in the Chapare region. The importance of this office is highlighted by the fact that there is a major possibility of conflict between police or army units dealing with the eradication of illegal coca in the Chapare region.
2. Expansion and integration of the Santa Cruz case tracking systems discussed above;
3. Acquisition of materials, equipment and studies in the Public Ministry for the newly created training institute and the Institute of Forensic Investigations created by the CCP.

It is anticipated that the Government of Bolivia will approve this project early in the year 2000.

This concludes the 1999 Annual report.